

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AKANIYENE WILLIAM ETUK,

Plaintiff,

-against-

THE NEW YORK CITY POLICE
DEPARTMENT; JACOBI MEDICAL
CENTER; BRONXWORKS; DHS
OFFICER HARVEY; MISS GENESIS;
FORMER NYPD OFFICER NICHOLAS
KONNER; FORMER NYPD OFFICER
PATRICK SAYEGH; FORMER NYPD
OFFICER ANDREW WITKOWSKI; NYPD
OFFICER JUNIOR MUNOZ; NYPD
OFFICER ARAMIS RAMOS; NYPD
OFFICER RYAN NEFF; NYPD OFFICER
RICHARD SANTIAGO; NYPD OFFICER
STEVEN WAN; NYPD OFFICER SERGIO
NUNEZ-LOPEZ; and NYPD JOHN DOE
OFFICERS 1-10,

Defendants.

24 Civ. 4957 (KPF)

ORDER OF SERVICE

KATHERINE POLK FAILLA, United States District Judge:

Plaintiff Akaniyene William Etuk, appearing *pro se*, brings this action under the Court's federal-question jurisdiction, seeking damages, injunctive relief, and declaratory relief. After receiving information responsive to the Court's August 28, 2024 *Valentin* Order (Dkt. #9) from the City of New York in a letter dated January 24, 2025 (Dkt. #26), Plaintiff filed a Third Amended Complaint on January 30, 2025 (Dkt. #28). He sues: (1) the New York City Police Department ("NYPD"); (2) Jacobi Medical Center ("Jacobi"); (3) BronxWorks, a Bronx social services organization; (4) New York City Department of Homeless Services ("DHS") Officer Harvey #825; (5) BronxWorks Assistant Director Miss Genesis; (6) former NYPD Officer Nicholas Konner; (7)

former NYPD Officer Patrick Sayegh; (8) former NYPD Officer Andrew Witkowski; (9) NYPD Officer Junior Munoz (Shield #26527); (10) NYPD Officer Aramis Ramos (Shield #26527); (11) NYPD Officer Ryan Neff (Shield #4270); (12) NYPD Officer Richard Santiago (Shield # 931158); (13) NYPD Officer Steven Wan (Shield # 4065); (14) NYPD Officer Sergio Nunez-Lopez (Tax ID #970036); and NYPD John Doe Officers #1-10. The Court construes Plaintiff's Third Amended Complaint, now the operative pleading in this action, as asserting claims under 42 U.S.C. § 1983 and under state law. The Third Amended Complaint arises from events occurring on July 6, 2023.

By Order dated July 12, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. For the reasons set forth below, the Court directs service of the Third Amended Complaint on the the NYPD, Jacobi, DHS Officer Harvey, former NYPD Officer Konner, former NYPD Officer Sayegh, former NYPD Officer Witkowski, NYPD Officer Munoz, NYPD Officer Ramos, NYPD Officer Neff, NYPD Officer Santiago, NYPD Officer Wan, and NYPD Officer Nunez-Lopez.¹

DISCUSSION

A. Order of Service

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on assistance from the Court and the United States Marshals Service ("USMS") to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue

¹ Counsel for Defendants the City of New York, Bronxworks, and Miss Genesis have appeared and therefore the United States Marshals Service need not serve the Third Amended Complaint on them.

and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on the above-mentioned defendants, the Clerk of Court is instructed to fill out USMS Process Receipt and Return forms ("USM-285 forms") for those defendants. The Clerk of Court is further instructed to issue summonses for those defendants, and to deliver to the USMS all the paperwork necessary for the USMS to effect service upon those defendants.

If the Third Amended Complaint is not served on those defendants within 90 days after the date that summonses for those defendants have issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Court directs the Clerk of Court to: (1) issue summonses for the NYPD, Jacobi, former NYPD Officer Konner, former NYPD Officer Sayegh, former NYPD Officer Witkowski, NYPD Officer Munoz, NYPD Officer Ramos, NYPD Officer Neff, NYPD Officer Santiago, and NYPD Officer Wan; (2) complete USM-285 forms with the service addresses for those defendants and deliver all documents necessary to effect service of summonses and the Third Amended Complaint (Dkt. #28) on those defendants to the USMS; (3) mail a copy of this order and a copy of the Third Amended Complaint to the New York City Law

Department, 100 Church Street, New York, New York 10007; and (4) mail an information package to Plaintiff at his address of record.

Lastly, pursuant to the City of New York's request, the City of New York shall provide the Court with an update as to Officer Nunez-Lopez's military leave status on or before **March 28, 2025**.

SO ORDERED.

Dated: February 4, 2025
New York, New York



KATHERINE POLK FAILLA
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. The New York City Police Department
1 Police Plaza
New York, New York 10038
2. DHS Officer Harvey Shield #825
3600 Jerome Avenue
Bronx, New York 10467
3. Former NYPD Officer Nicholas Konner
New York City Police Department
1 Police Plaza
New York, New York 10038
4. Former NYPD Officer Patrick Sayegh
New York City Police Department
1 Police Plaza
New York, New York 10038
5. Former NYPD Officer Andrew Witkowski
New York City Police Department
1 Police Plaza
New York, New York 10038
6. NYPD Officer Junior Munoz (Shield #26527)
New York City Police Department
52nd Precinct
3016 Webster Ave
Bronx, New York 10467
7. NYPD Officer Aramis Ramos (Shield #26527)
Emergency Service Squad 04
New York City Police Department
50th Precinct
3450 Kingsbridge Ave
Bronx, New York 10463
8. NYPD Officer Ryan Neff (Shield # 4270)
Emergency Service Squad 04
New York City Police Department
50th Precinct
3450 Kingsbridge Ave
Bronx, New York 10463

9. NYPD Officer Richard Santiago (Shield #931158)
Emergency Service Squad 04
New York City Police Department
50th Precinct
3450 Kingsbridge Ave
Bronx, New York 10463

10. NYPD Officer Steven Wan (Shield #4065)
Emergency Service Squad 04
New York City Police Department
50th Precinct
3450 Kingsbridge Ave
Bronx, New York 10463